IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 31428 of 2006(N)

PETITIONER:

MARTIN DOMINIC, AGED 36,
S/O.DOMINIC, KATTITHARA HOUSE,
ALANGAD P.O., KATTAPPURAM.

BY ADV. SRI.A.X.VARGHESE
SRI.SAJIV.C.K.
SRI.A.V.JOJO

RESPONDENTS:

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1. THE SECRETARY, KERALA STATE
WATER AUTHORITY, THIRUVANANTHAPURAM.

2. SECRETARY, PUBLIC WORKS DEPARTMENT,
DEPARTMENT OF IRRIGATION, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
P.H.DIVISION, ALUVA.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD
SRI. M. DINESH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) NO. 31428 OF 2006

Dated this the 10th day of January, 2007

J U D G M E N T

The writ petition is filed praying for a direction to the Kerala State Water Authority to award contract to the petitioner, as the petitioner is the lowest bidder among the tenderers. Learned Standing Counsel appearing for the water authority submitted that in the last year the same work, namely cleaning of tank, was tendered at 45% below PAC. However, petitioner has quoted 9% above PAC, which appears to be high in absolute terms by the water authority. I do not think there is any mandatory obligation for water authority to award the contract to the lowest tenderer. If even the lowest tender is found to be excessive, it is for the water authority to cancel the tender. There is no discrimination or arbitrariness in this matter because the very purpose is to save funds of the Corporation. In the above circumstances, there is no merit in the writ petition and it is accordingly dismissed. It is made clear that the petitioner is free to quote for fresh tender at more realistic rates. The deposit already made by the petitioner will be accepted for participating in the fresh tender, if they so desire, and if not, the amounts will be refunded to the petitioner.

C.N. RAMACHANDRAN NAIR,
JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006